

THE HONORABLE RONALD B. LEIGHTON

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARISSA WESTERN,

Plaintiffs,

vs.

CADENCE EDUCATION, LLC,

Defendant.

NO. 3:19-cv-05124

ORDER GRANTING PLAINTIFF'S
MOTION TO REMAND CASE TO STATE
COURT

NOTE ON MOTIONS CALENDAR:
MARCH 29, 2019

BEFORE THE COURT is Plaintiff's Motion to Remand. (DKT NO.10). This matter was submitted for consideration without oral argument. The Court has reviewed the briefing and the record and files herein, and is fully informed.

BACKGROUND

This case involves a claim of wrongful termination in violation of public policy. The matter was originally brought in the Superior Court of Washington State in and for the County of Pierce. Defendant removed to this Court. Plaintiff is seeking to remand back to state court on the grounds that this court lack subject matter jurisdiction based on the amount in controversy falling short of the jurisdictional minimum of \$75,000.

FACTS

This is a Washington State common law tort claim for wrongful termination in violation of public policy. Plaintiff filed a complaint alleging facts which support her allegation of wrongful termination in violation of public policy. There was no specific damages demand. However, prior to filing the complaint, the plaintiff, through counsel, submitted a specific calculation of her losses, including general damages for emotional distress, to counsel for the defendant, which totaled \$20,000. (Dkt No. 10, Ex. 1). On January 15, 2019, Defendant was served via its Washington Registered Agent. On February 14, 2019, Defendant removed the case to this Court.

In the motion now before the Court, Plaintiff has moved to remand the case back to state court on the grounds that the damages available fall well below the \$75,000 minimum to trigger diversity jurisdiction in this matter. Plaintiff also requests fees for bringing this motion as removal was done without a reasonable basis.

DISCUSSION

Plaintiff contends that the damages she is entitled to under this cause of action would not exceed the jurisdictional minimum required to avoid remand. This contention is based on prior settlement demands made by Plaintiff to the Defendant, which also supports the Plaintiff's contention that removal was done not only without reasonable basis, but also in bad faith and that awarding the Plaintiff her fees and costs is appropriate.

ACCORDINGLY, IT IS HEREBY ORDERED:

1. Plaintiff's Motion to Remand is GRANTED; and it is further ORDERED
2. Plaintiff is awarded her fees in the amount of \$_____ to be paid by the Defendant no later than 30 days from the date of this ruling.

1 3. The District Court Clerk is directed to enter this Order, provide copies to counsel,
2 mail a certified copy of this Order to the Clerk of the Pierce County Superior Court,
3 and CLOSE this file.
4

5 DATED _____ day of _____, 2019.
6

7
8 _____
9 Honorable Ronald B. Leighton
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28